

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

CASE NUMBER: 05CV10437 GAO

**WASHINGTON INTERNATIONAL
INSURANCE COMPANY,**

Plaintiff

vs.

ARTEK BUILDERS, INC.

Defendant

**AUTOMATIC REQUIRED DISCLOSURE STATEMENT OF
ARTEK BUILDERS, INC. PURSUANT TO FED. R. CIV. P. 26(A)**

Pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure and L.R. 26.2(a), Defendant Artek Builders, Inc., ("Artek") hereby makes the following disclosures.

OBJECTIONS

Artek objects to any request to divulge any material protected by any privilege, including attorney-client privilege and work product protection. These objections are incorporated by reference into each disclosure below, as if set forth herein. Artek reserves the right to supplement this response as additional information becomes known through the discovery process.

Without waiving and subject to these general objections, Artek hereby provides the following initial disclosures under Fed. R. Civ. P. 26(a)(1):

**A. Persons likely to have discoverable information that Artek may use to support
is counterclaim and defenses and the subject of such information:**

1. Joseph S. Luiz, III, 12 Ventura Drive, Dartmouth, MA 02747.
2. Ronald C. Merlo, Thomas Young, Inc., Marion, MA 02738.
3. Pamela Picaro, 91 Chase Road, Dartmouth, MA 02747.
4. Shirley Cormier, 13 Pike Street, Dartmouth, MA 02747.
5. Diane Merlo, 26 Prospect Road, Mattapoisett, MA 02739.

Subjects of information from above individuals:

Knowledge and information concerning Artek Builders, Inc.'s relationship to J.S. Luiz 3rd, Inc.; knowledge and information regarding the establishment of Artek Builders, Inc.; and knowledge and information regarding projects between the two entities, including each individual subcontract.

6. Christopher DiSano, Esquire and Brian LaPlante, Esquire,
LaPlante & Sowa, LTD, 67 Cedar Street, Suite 102, Providence, RI 02903.
Subjects of information: Knowledge and information concerning J. S. Luiz 3rd, Inc.
7. Hon. Richard T. Moses, Justice of the Massachusetts Superior Court.
Subject of information: Knowledge and information concerning the incorporation of Artek Builders, Inc.
8. Paula-Lee Chambers, Esquire, Hinshaw & Culbertson LLP, One International Place, 3rd Floor, Boston, MA 02110.
Subject of information: Knowledge and information concerning Washington International Insurance Company and its insured, J. S. Luiz 3rd, Inc.
9. Marcelo Virgili, Esquire, NAS Insurance Group, 1200 Arlington Heights Road, Suite 400, Itasca, IL 60143.
Subject of Information:
 - a. Knowledge and information concerning the investigation of the payment bond claims;
 - b. The payment bond claims;
 - c. WIIC's rights and obligations under the payment bond;
 - d. WIIC's communications with J. S. Luiz 3rd, Inc. and Artek regarding the bonds; and
 - e. Communications relative to the payment bond claims.

B. Documents in Artek's possession, custody or control that may be used to support Artek's claims or defenses.

Such documents will be available in discovery, and include: Non-privileged correspondence, court documents and agreements between WIIC, J. S. Luiz 3rd, Inc., Joseph S. Luiz, III, and Artek; and non-privileged notes, documents and memoranda maintained by Artek. Copies of the above documents are currently maintained at the offices of Artek's counsel.

C. Computation of Damages.

Artek's damages are as alleged in its Counterclaim and are based on a series of subcontracts entered into by Artek and J.S. Luiz 3rd, Inc.

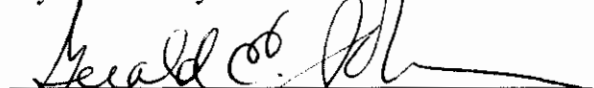
D. Insuring Agreements.

Artek believes that WIIC is fully capable of satisfying any judgment against it or J. S. Luiz, 3rd, Inc. in this case.

Respectfully submitted,

Artek Builders, Inc.

By its attorney:



Gerald E. Johnson, BBO# 252460

Swansea Professional Park

1010 Grand Army Highway

Swansea, MA 02777

(508) 678-5600

Dated: August 1, 2005

CERTIFICATE OF SERVICE

I, Gerald E. Johnson, counsel for Defendant Artek Builders, Inc., in the above-entitled action, hereby certify that I have served the foregoing Automatic Disclosure Statement upon the plaintiff by mailing a copy, first class mail, to the offices of its attorney, Paula Lee Chambers, Hinshaw & Culbertson LLP, One International Place, 3rd Floor, Boston, MA 02110, this 2nd day of August, 2005.

